

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15703 of the First Baptist Church of Washington, D.C., pursuant to 11 DCMR 3108.1, for a special exception under Section 214 to establish a parking lot in an R-5-B District at premises 1513 O Street, N.W. (Square 195, Lots 71, 74, 75, 111, 830 and 840).

HEARING DATE: July 15, 1992
DECISION DATE: July 29, 1992

ORDER

SUMMARY OF EVIDENCE:

1. The property that is the subject of this application is located at 1513 O Street, N.W. The property is unimproved, rectangular in shape and contains approximately 19,645 square feet of land area. It is zoned R-5-B.

2. The R-5-B District permits matter of right development of general residential uses including single-family dwellings, flats, and apartments to a maximum lot occupancy of 60 percent, a maximum floor area ratio (FAR) of 1.8 and a maximum height limit of 60 feet.

A parking lot is first permitted in the R-1 District, if approved as a special exception by the Board of Zoning Adjustment (BZA). Therefore, the subject parking lot is a permitted use in the R-5-B District with approval from the Board.

3. The subject property is located two blocks to the north of Scott Circle, mid-way between Dupont and Logan Circles in Ward 2. The streets that abut the subject Square 195 are P Street to the north, O Street to the south, 15th Street to the east and 16th Street to the west.

The subject property also has street frontages on O and 15th Streets N.W. The site also abuts two public alleys at the rear.

Alley access to the subject property is from P Street N.W. The parking lot is not striped to designate the location of all parking spaces, and contains potholes.

The site is located 100 feet to the east of the Sixteenth Street Historic District. It is also located within walking distance of the Central Employment Area. Residential development is the predominant land use that is located within the general vicinity of the site. Nevertheless, limited office development (SP) is located along 16th Street and commercial development is located along 14th and 17th Streets.

The streets that surround the site are used as commuter routes. The streets, therefore, carry a large volume of traffic during morning and evening rush-hours. Specifically, 16th Street is a principal arterial, 15th Street is a minor arterial and P Street is a collector roadway. The neighborhood experiences a considerable amount of spillover traffic from the Central Employment Area, especially during the weekdays.

4. The applicant proposes to continue to operate a surface parking lot, which was established in 1959 and consist of 19,645 square feet of land area. The lot contains 84 parking spaces.

5. The applicant indicated that Lot 111 should have been included in the original application.

6. The applicant indicated that the lot had been operating as a parking lot since 1959. The last BZA order No. 15108 dated July 30, 1990. The applicant also stated that due to an oversight, the church failed to apply for a certificate of occupancy within the six-month period that the order was effective. Therefore, it was necessary that the applicant reapply for a special exception.

The Board's previous approval under Order No. 15108 imposed the following **CONDITIONS**:

- a. Approval shall be for a period of five years from the date of expiration of the previous order, namely from May 11, 1988.
- b. The hours of commercial operation of the lot shall not exceed from 7:00 a.m. to 6:30 p.m., Monday through Friday.
- c. The use of the lot during hours it is not used for commercial parking shall be limited to parking for church-related functions only.
- d. The entrance to the parking lot shall be secured by a gate, chain or cable during all hours that the lot is not in use by the church or the commercial operation as limited by Condition No. 2.
- e. The parking lot shall be posted with a sign which limits the use of the lot to the commercial operator and church related functions.
- f. An attendant shall be present at all times during the hours of operation of the subject lot.

- g. The lot shall be striped so as to designate the location of all parking spaces.
- h. Lighting shall be provided sufficient to illuminate all areas of the lot. Such illumination shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.
- i. Trash and debris shall be removed from the lot at least twice daily from Monday through Friday, before and after the hours of commercial operation of the lot. Trash and debris shall be removed at least once daily on weekends and holidays.
- j. The applicant shall provide a chain link fence along all sides of the lot which do not immediately abut the walls of existing buildings.
- k. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- l. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- m. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- n. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition, and in a neat and orderly appearance.
- o. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

7. The applicant testified that the parking lot operates between 7:00 a.m. and 6:30 p.m., Monday through Friday as a commercial lot. The lot is also used in the evening and weekends for church related functions. A sign is posted stating the hours of operation and the name of the owner.

8. The applicant indicated that the parking lot is currently operating with the proper authorization from the D.C. Department of Consumer and Regulatory Affairs (DCRA).

9. It was also indicated that the property has a chainlink fence around it, and the entrance and exits to the property have a chain that is put up after 6:30 p.m. when the lot is closed.

10. The parking lot is operated by Pacific Parking Service. It is attended by at least two full-time attendants at all times.

11. The parking lot has appropriate lighting which is turned on between 4:30 p.m. and 5:00 p.m. and is left on all night.

12. The parking lot attendants keep the property free from trash and debris on a daily basis.

13. By memorandum dated July 8, 1992, the Office of Planning (OP), recommended conditional approval of the application. OP noted the location of the site and the proposed use. OP stated that the applicant is proposing to continue to operate a surface parking lot on the premises during the daytime. OP noted that the parking lot would be available for use by the Church and community during the evenings and weekends. The parking lot use was first established on a portion of the existing site in 1959. The Board approved the continued use of the site as a commercial parking lot on July 11, 1990.

OP stated that nine applications for the subject site had been previously approved by the Board since 1959. The site has been used as a parking lot for over 30 years.

OP is of the opinion that the applicant's proposal is in harmony with the general purpose and intent of the Zoning Regulations and Map. The parking lot has existed on the site for three decades without any negative impacts on the community. Therefore, it is not anticipated that any negative impacts would be created if this application is approved. The parking lot helps to reduce the parking demand on the streets in the neighborhood. In addition, it is one of the few moderately-priced parking lots that is located close to the Central Employment Area. Nonetheless, OP encourages the applicant to improve the physical appearance of the parking lot. This may be accomplished by striping the parking lot so that all parking spaces are clearly marked, and by repairing the existing potholes.

OP stated that it referred this application to the following District of Columbia government agencies for review and comment:

- a. Department of Public Works;
- b. Fire and Emergency Medical Services Department; and
- c. Metropolitan Police Department.

Prior to completion of this report, OP did not receive a response from any of the above-identified agencies.

OP is of the opinion that if this application is approved, the site will continue to provide parking on the outskirts of the Central Business District, thus reduce traffic congestion in the inner city. The applicant has used the site to provide parking for 33 years. During this time period, the parking lot has coexisted harmoniously with the surrounding community. Further, the Board previously approved the use of the site as a parking lot two years ago. The applicant is currently appearing before the Board because the previous Order for this site expired before the applicant obtained a certificate of occupancy. Therefore, the Office of Planning recommends approval of the application subject to the same conditions as previously imposed by the Board.

14. By letter dated June 25, 1992, Advisory Neighborhood Commission (ANC) 2B decided not to take a position on this application.

15. A letter dated July 14, 1992, was submitted to the Board, by Gale B. Nemet, in support of the application. The letter stated that the owners of the parking lot were doing a wonderful job in maintaining the property.

16. A second letter dated July 9, 1992, was submitted to the Board, by Andrew J. Hough, a resident who resides at 1416 15th Street, N.W. in support of the application. Mr. Haugh stated that he had never encountered any problems and found the staff to be very protective and supportive.

17. Grace Reformed Church, United Church of Christ also submitted a letter, dated May 4, 1992, in support of the application.

18. A letter of support was submitted by Dr. J.T. Williams, who resides at 1 Scott Circle, N.W., #102.

19. Meredith De Hart, a resident of 1528 O Street, N.W., testified in opposition to the application. She stated that the area is in need of residential development, and that a number of other commercial lots have been closed. She requested that the Board close the subject lot, because of prostitution, debris in the area, and the operation of the lot is in violation of the Board's order.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds as follows:

1. Violations of the conditions of the Board's order can be reported to the appropriate authorities for enforcement.

2. The same conditions exist that were the basis of the Board's approval in 1990.
3. All conditions of the Board's previous order had not been fully complied with.
4. The physical appearance and maintenance of the lot needs to improve.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception to establish a parking lot in an R-5-B District.

The granting of such special exception relief requires a showing through substantial evidence that the application can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the application will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The applicant must also meet the applicable provisions of 11 DCMR Subsections 213 and 3108 governing parking lots.

The Board is of the opinion that the facility will not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

Finally, the Board concludes that granting the application is in harmony with the general purpose and intent of the Zoning Regulations and Map, and that it will not tend to adversely affect the use of neighboring property.

Based on the foregoing, the Board **ORDERS** that the application is hereby **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of **FIVE YEARS**.
2. The hours of operation of the lot shall be between 7:00 a.m. and 6:30 p.m., Monday through Friday.
3. The use of the lot during the hours it is not used for commercial parking shall be limited to parking for church-related functions.
4. The entrance to the parking lot shall be secured by a gate, chain or cable during all hours that the lot is not in use by the church or the commercial operation.

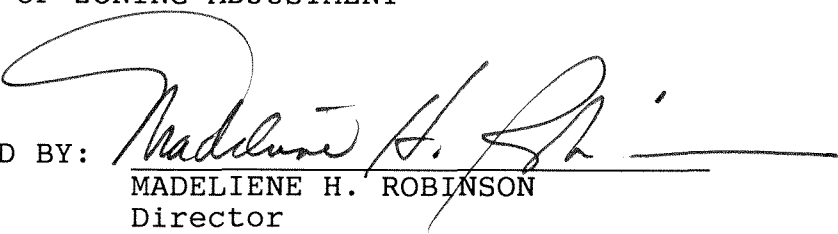
5. The parking lot shall be posted with a sign which limits the use of the lot to the commercial operator and church-related functions.
6. An attendant shall be present during the operation of the subject lot throughout the daytime.
7. The lot shall be striped so as to designate the location of all parking spaces.
8. Lighting shall be provided sufficient to illuminate all areas of the lot. Such illumination shall be so arranged that all direct rays of the lighting are confined to the surface of the parking lot.
9. Trash and debris shall be removed from the lot and adjacent public space at least twice daily, from Monday through Friday, before and after the hours of commercial operation of the lot. Trash and debris shall be removed at least once daily on weekends and holidays.
10. The applicant shall provide a chain link fence along all sides of the lot which do not immediately abut the walls of existing buildings.
11. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
12. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
13. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
14. All parts of the lot shall be kept free of refuse and debris and shall be paved or landscaped. Paving shall be maintained to be free of potholes. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
15. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

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VOTE: 4-0 (Maybelle Taylor Bennett, Paula L. Jewell, Angel F. Clarens and Carrie L. Thornhill to grant; Sheri M. Pruitt not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER:

MAY 24 1994

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15703

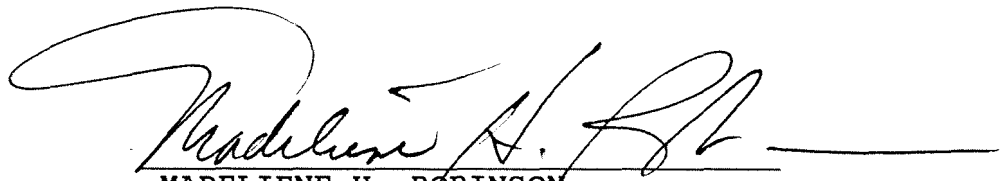
As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 24 1994 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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MADELIENE H. ROBINSON
Director

DATE: MAY 24 1994